

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

June 7, 2007

Signature: Megan F. Duffy
(Meggan F. Duffy)

I.F.W.
Docket No.: 06011/30226
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re Patent Application of:
David L. Fosnaugh

Application No.: 07/699,479

Group Art Unit: 3724

Filed: May 13, 1991

Examiner: Stephen Choi

For: DIE-SHAPING APPARATUS AND PROCESS
AND PRODUCT FORMED THEREBY

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.181, the applicant, through his undersigned attorney, hereby petitions to withdraw the holding of abandonment and proceed to issue the patent in the above-referenced application without penalty to the applicant.

No terminal disclaimer or fee is believed to be required, as this petition is filed within two months of the mail date of the notice of abandonment. See M.P.E.P. 711.03(c) (I).

A notice of abandonment for failure to timely file corrected drawings in this application was issued April 16, 2007. However, applicant respectfully submits that the application is not in fact abandoned, as applicant timely filed corrected drawings by and within the three-month period set in the Notice of Allowability (PTO-37).

Submitted herewith are the following:

- (a) a copy of a Notice of Abandonment dated April 16, 2007 (Exhibit "A");
- (b) a copy of the "Notice of Allowance and Fee(s) Due" dated December 22, 2006 (Exhibit "B");
- (c) a copy of the undersigned law firm's post card receipt (Exhibit "C") that properly identifies the "Drawings" were filed with a Certificate of Mailing on March 14, 2007, and received by the United States Patent and Trademark Office on March 20, 2007, both of which are within the three-month period set by the Notice of Allowance and Fee(s) Due of March 22, 2007. As such, the postcard receipt provides *prima facie* evidence that the drawings were timely filed, i.e., filed by the three-month due date of March 22, 2007;
- (d) a copy of the "Submission of Drawings" dated March 14, 2007 (Exhibit "D"), which shows the drawings were timely filed with a Certificate of Mailing dated March 14, 2007, which is within the three-month period for reply, and a copy of the issue fee transmittal, which shows the issue fee was also timely paid on March 14, 2007; and
- (e) a declaration of Meggan F. Duffy, the undersigned attorney for this application stating that the corrected drawings were timely filed on March 14, 2007.

Applicant submits that the guidelines for granting a "Petition to Withdraw Holding of Abandonment" outlined in chapter 711.03(c)(I) of the Manual of Patent Examining Procedure have been satisfied. In accordance with 37 C.F.R. § 1.181(f), this paper is timely filed, as it is being submitted within two months of the mailing date of the notice of abandonment. No petition fee is required.

In view of the foregoing, applicant respectfully requests withdrawal of the holding of abandonment, acknowledgement of the active status of this application, and issuance of the patent for the above-referenced application.

Although the applicant believes that no other fees are due, the Director's designee is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855.

If there are matters that can be discussed by telephone to further the prosecution of this application, applicant respectfully requests that the examiner call its attorney at the number listed below.

June 7, 2007

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By:

A handwritten signature in black ink, appearing to read "Megan F. Duffy", is written over a horizontal line.

Megan F. Duffy

Registration No. 46,674

Attorney for Applicant

233 South Wacker Drive

6300 Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 07/699,479 | 05/13/1991 | DAVID L. FOSNAUGH | 30226 | 4049 |

7590 04/16/2007
Marshall, O'Toole, Gerstein, Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

| |
|----------|
| EXAMINER |
|----------|

CHOI, STEPHEN

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3724

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

04/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed: 6-16-07

Notice of Abandonment

Application No.

07/699,479

Examiner

CHOI

Applicant(s)

FOSNAUGH

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on ____.
- (a) ☐ A reply was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply (including a total extension of time of ____ month(s)) which expired on ____.
- (b) ☐ A proposed reply was received on ____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on ____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$ ____ is insufficient. A balance of \$ ____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ ____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply.
- (b) ☒ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/22/2006
Marshall, O'Toole, Gerstein, Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

RECEIVED

JAN 04 2007

MARSHALL GERSTEIN

EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/22/2006

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 07/699,479 | 05/13/1991 | DAVID L. FOSNAUGH | 06011/30226 | 4049 |

TITLE OF INVENTION: DIE-SHAPING APPARATUS AND PROCESS AND PRODUCT FORMED THEREBY

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$0 | \$0 | \$1400 | 03/22/2007 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 07/699,479 | 05/13/1991 | DAVID L. FOSNAUGH | 30226 | 4049 |

7590 12/22/2006

Marshall, O'Toole, Gerstein, Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

| | |
|---------------|--------------|
| EXAMINER | |
| CHOI, STEPHEN | |
| ART UNIT | PAPER NUMBER |
| 3724 | |

DATE MAILED: 12/22/2006

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b) (application filed prior to June 8, 1995)

This patent application was filed prior to June 8, 1995, thus no Patent Term Extension or Adjustment applies.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

07/699,479

Examiner

Stephen Choi

Applicant(s)

FOSNAUGH, DAVID L.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a reply filed December 8, 2006.

2. ☒ The allowed claim(s) is/are 10,13,16,20-25,28,52-54,56,61,62 and 65.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

Art Unit: 3724

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application to include the proposed drawing correction filed on March 12, 1992 and the drawings appear to be informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sc
18 December 2006


STEPHEN CHOI
PRIMARY EXAMINER

06011/30226

3/14/07

**The Patent Office is hereby requested to acknowledge receipt
of the following papers by stamping and returning this card.**

David L. Fosnaugh
07/699479



Publication Fee \$ 1409.00

CK 100 244 8

Drawings (4 Pages)

w/Certificate of Mailing dated March 14, 2007

RECEIVED

NOV 13 2006

MARSHALL GERSTEIN



Pike Expedition, November 1806, Rocky Mountains

MARSHALL, GERSTEIN & BORUN LLP

6300 SEARS TOWER

233 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606-6357


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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 14, 2007

Signature:


(Megan F. Duffy)

Docket No.: 06011/30226
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. Fosnaugh

Application No.: 07/699,479

Allowed: December 22, 2006

Filed: May 13, 1991

Art Unit: 3724

For: DIE-SHAPING APPARATUS AND PROCESS
AND PRODUCT FORMED THEREBY

Examiner: S. Choi

SUBMISSION OF DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

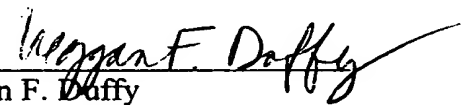
Dear Sir:

In response to the notice of allowance mailed December 22, 2006, submitted herewith is one set (four sheets, seven figures) of drawings, in compliance with 37 C.F.R. 1.84 and 37 C.F.R. 1.121(d), for filing in the above-identified patent application. Kindly substitute the enclosed drawings for the drawings submitted with the originally filed application.

Pursuant to the Examiner's Amendment/Comment, the attached drawings include the proposed drawing correction to Fig. 2 that was filed on March 10, 1992 and approved in a final office action dated July 27, 1992. More specifically, reference numeral E was changed to C, and reference numeral 40e was changed to 40c in Fig. 2 to correct two errors made at the time of filing the application. Replacement Sheet 2 reflects this approved drawing correction.

Dated: March 14, 2007

Respectfully submitted,

By 
Megan F. Duffy

Registration No.: 46,674

MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, 6300 Sears Tower
Chicago, Illinois 60606-6357 ((312) 474-6300)
Attorney for Applicant

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

12/22/2006

Marshall, O'Toole, Gerstein, Murray & Borun
 6300 Sears Tower
 233 South Wacker Drive
 Chicago, IL 60606-6402

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| | |
|------------------------|--------------------|
| Meggan F. Duffy | (Depositor's name) |
| <i>Meggan F. Duffy</i> | (Signature) |
| March 14, 2007 | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 07/699,479 | 05/13/1991 | DAVID L. FOSNAUGH | 30226 | 4049 |

TITLE OF INVENTION: DIE-SHAPING APPARATUS AND PROCESS AND PRODUCT FORMED THEREBY

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$0 | \$0 | \$1400 | 03/22/2007 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|---------------|----------|----------------|
| CHOI, STEPHEN | 3724 | 083-050000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Marshall,

2 Gerstein &

3 Borun LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Franklin Electric Co., Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Bluffton, Indiana

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☒ Advance Order - # of Copies 3

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☒ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 13-2855 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Meggan F. Duffy

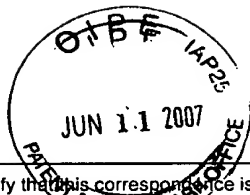
Date March 14, 2007

Typed or printed name Meggan F. Duffy

Registration No. 46,674

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage for First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

June 7, 2007

Signature: _____

(Meggan F. Duffy)

Docket No.: 06011/30226
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. Fosnaugh

Application No.: 07/699,479

Group Art Unit: 3724

Filed: May 13, 1991

Examiner: Stephen Choi

For: **DIE-SHAPING APPARATUS AND PROCESS
AND PRODUCT FORMED THEREBY**

DECLARATION OF MEGGAN F. DUFFY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Meggan F. Duffy, hereby declares as follows:

1. I am an attorney of law with the law firm Marshall, Gerstein & Borun LLP in Chicago, Illinois, and am a registered practitioner before the United States Patent and Trademark Office (the "PTO") with Registration Number 46,674.

2. I am an attorney responsible for prosecuting the above-referenced application (the "application").

3. My firm received a notice of abandonment dated April 16, 2007, in this application. The notice was for failure to timely file corrected drawings as required by the Notice of Allowability (PTO-37).

4. However, corrected drawings were timely submitted within the three-month time period, i.e., by March 22, 2007. A copy of a postcard receipt is attached hereto as Exhibit "A" and properly identifies that the "Drawings" were filed with a Certificate of Mailing on March 14, 2007 and received by the United States Patent and Trademark Office on March 20, 2007, both of which are within the three-month period of March 22, 2007.

5. A copy of the "Submission of Drawings" dated March 14, 2007, which is attached hereto as Exhibit "B" further shows the drawings were timely filed with a Certificate of Mailing dated March 14, 2007, which is within the three-month period for reply.

6. As clearly shown from the accompanying petition and attachments, the corrected drawings were timely filed by the applicant; therefore, the holding of abandonment must be withdrawn without any penalty to the applicant.

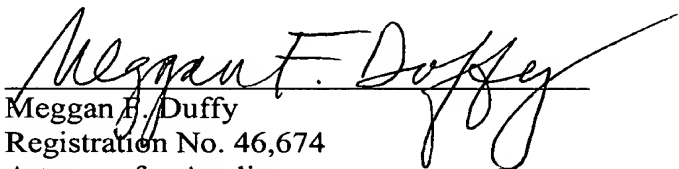
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 7, 2007

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By:


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06011/30226

3/14/07

The Patent Office is hereby requested to acknowledge receipt
of the following papers by stamping and returning this card.

David L. Fosnaugh
07/699479



Publication Fee \$ 1409.00
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Drawings (4 Pages)

w/Certificate of Mailing dated March 14, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 14, 2007

Signature:

Meggan F. Duffy
(Meggan F. Duffy)

Docket No.: 06011/30226
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. Fosnaugh

Application No.: 07/699,479

Filed: May 13, 1991

For: DIE-SHAPING APPARATUS AND PROCESS
AND PRODUCT FORMED THEREBY



Allowed: December 22, 2006

Art Unit: 3724

Examiner: S. Choi

SUBMISSION OF DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the notice of allowance mailed December 22, 2006, submitted herewith is one set (four sheets, seven figures) of drawings, in compliance with 37 C.F.R. 1.84 and 37 C.F.R. 1.121(d), for filing in the above-identified patent application. Kindly substitute the enclosed drawings for the drawings submitted with the originally filed application.

Pursuant to the Examiner's Amendment/Comment, the attached drawings include the proposed drawing correction to Fig. 2 that was filed on March 10, 1992 and approved in a final office action dated July 27, 1992. More specifically, reference numeral E was changed to C, and reference numeral 40e was changed to 40c in Fig. 2 to correct two errors made at the time of filing the application. Replacement Sheet 2 reflects this approved drawing correction.

Dated: March 14, 2007

Respectfully submitted,

By

Meggan F. Duffy
Meggan F. Duffy

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